



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 4111-99
26 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 25 November 1980 for four years at age 20. The record reflects that you were advanced to LCPL (E-3), received a meritorious mast for outstanding service while assigned to the platoon toolroom, and served 26 months without incident. However, during the 11 month period from January to November 1983 you received three nonjudicial punishments (NJP). Your offenses consisted of making unofficial telephone calls on a government phone in the amount of \$37.37, and two instances of use of marijuana in August and October 1983.

On 2 December 1983 you were notified that you were being recommended for discharge under other than honorable conditions by reason of misconduct due to drug abuse. You were advised of your procedural rights, declined to consult with counsel, and waived your rights to be represented by counsel and present your case to an administrative discharge board (ADB). Thereafter, the commanding officer recommended discharge under other than

honorable conditions by reason of misconduct. The discharge authority approved the recommendation and you were so discharged on 29 December 1983.

In its review of your application the Board conducted a careful search of your service record for any mitigating factors which might warrant a recharacterization of your discharge. However, no justification for such a change could be found. The Board noted your letter explaining that you used marijuana at an off-base party; and the contention that prior to the first incident of marijuana use, you had been a model Marine and were eligible for a Good Conduct Medal. You state that you desire to start a career in law enforcement but cannot do so with your current discharge. The Board concluded that the foregoing contentions were insufficient to warrant recharacterization of your discharge given your record of three NJPS, two of which were for use of a controlled substance. It appeared to the Board that you were aware, or should have been aware, of the Marine Corps' policy regarding illegal drug use. Your use of marijuana a second time demonstrated a willful disregard of Marine Corps policy, and showed that you did not learn from your experience at the two earlier disciplinary proceedings. Your desire for employment in the law enforcement field does not provide a valid basis for recharacterizing your discharge. The Board concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director